

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Roger NITSCH et al.

Serial No.: 09/806,509

Filed: April 16, 2001

METHODS OF DIAGNOSING OR PROGNOSING ALZHEIMER'S
DISEASE**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371**

Box PCT
Assistant Commissioner of Patents
Washington, D.C. 20231

Attention: **APPLICATION BRANCH
MISSING REQUIREMENTS OF APPLICATION**

Sir:

With respect to the above-identified national phase application, the following are filed herewith in response to the Notification of Missing Requirements under 35 U.S.C. 371, mailed May 23, 2001, copy attached.

Preliminary Amendment.

Declaration in compliance with 37 C.F.R. §1.63.

Information Disclosure Statement.

Assignment document with Cover Sheet and \$40.00 fee for Recordation of Assignment.

If a Petition for Extension of time is necessary and the Petition and/or the check is not enclosed, this will act as the Petition and applicant herewith petitions the Commissioner to extend the time for response and charge and fees necessary under 37 CFR 1.17 (a) - (d) to Deposit Account No. 06-1358. The Commissioner is also authorized to charge payment of any other additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1358. A duplicate copy of this sheet is enclosed.

Please note that the surcharge for providing the Declaration late was included with the filing fee on April 16, 2001, by a check in the amount of \$1918.00. A copy of the transmittal and date-stamped postcard evidencing receipt of the check in the Patent and Trademark Office on April 16, 2001 are enclosed.

Respectfully submitted,

JACOBSON HOLMAN PLLC

By William E. Player
for Reg. No. 31,409

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Atty. Docket: P63142US1
Date: July 23, 2001
WEP/cmf

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

STATES DESIGNATED

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494) an Elected Office (37 CFR 1.495):

U.S. Basic National Fee. Indication of Small Entity Status.
 Copy of the international application. Translation of the international application into English.
 Oath or Declaration of inventor(s). Translation of Article 19 amendments into English.
 Copy of Article 19 amendments. Other:
 Priority Document.
 The International Preliminary Examination Report in English and its Annexes, if any.
 Translation of Annexes to the International Preliminary Examination Report into English.

2. Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

U.S. Basic National Fee. Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
 The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
 b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
 c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A ~~will be required~~ 20 months from the priority

JACOBSON HOLLOW PLLC
Response Due On Or Before
7/23/01
Month Day Year

****HAND CARRY** TO PCT WINDOW, CRYSTAL PLAZA II, 8TH FLOOR**

Att'y Docket: P63142US1 Today's Date: April 16, 2001
Serial No.: New U.S. National Phase Application
Applicant: NITSCH et al
Filing Date: April 16, 2001

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- Preliminary Amendment to Lesser Fees
- International Search Report (210)
- PCT/I/B/301/304/306/308 Form(s)
- First Page of Publ.
- IPER (409)
- 50 pg. Specif. with 36 claims and Abstract
- 10 Sheets of Drawings

Check for \$1918.00 Check No 52449 DUE DATE: April 23, 2001

JACOBSON, PRICE, HOLMAN & STERN, PLLC
400 SEVENTH STREET, NW
WASHINGTON, DC 20004

Rec'd PCT/PTO 16 APR 2001

JFC

04/806509

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED / ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER P63142US1
INTERNATIONAL APPLICATION NO. PCT/EP99/08023		US APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL FILING DATE 22 October 1999	PRIORITY DATE CLAIMED 23 October 1998	
TITLE OF INVENTION METHOD OF DIAGNOSING OR PROGNOSING ALZHEIMER'S DISEASE		
APPLICANT(S) FOR DO/EO/US Roger NITSCH -and- John GROWDON		

Applicant herein submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information.

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for Internatl. Preliminary Examination was made by the 19th month from earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US)
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. A translation of the annexes to the Internatl. Preliminary Examination report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11. to 16. below concern other document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet compliance with 37 CFR 3.28 and 3.31 is included.
13. A **FIRST** preliminary amendment.
 - A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. A substitute specification.
15. A change of power of attorney and/or address letter.
16. Other items or information:

COPY

International Search Report — EPO
PCT/IB/301 Form
PCT/IB/304 Form
PCT/IB/306 Form
PCT/IB/308 Form
First Page of Publication
International Preliminary Examination Report — with Annexes

US APPLICATION NO.(If known, see 37 CFR 1.5)	INTERNATIONAL APPLICATION NO. PCT/EP99/08023	ATTORNEY'S DOCKET NUMBER P63142US1		
17. <input checked="" type="checkbox"/> The following fees are submitted:		CALCULATIONS		
Basic National Fee (37 CFR 1.492(a)(1)-(5)):		PTO USE ONLY		
Internat. prelim. examination fee paid to USPTO (37 CFR 1.492 (a) (1)) . . . \$690.00				
No international preliminary examination fee paid to USPTO (37 CFR 1.492 (a) (2)) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) . . . \$710.00				
Neither international preliminary examination fee (37 CFR 1.492 (a) (3)) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$1000.00				
International preliminary examination fee paid to USPTO (37 CFR 1.492 (a) (4)) and all claims satisfied provisions of PCT Article 33(2)-(4) \$100.00				
Search Report prepared by the EPO or JPO (37 CFR 1.492 (a) (5)) \$860.00				
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$ 860.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$ 130.00		
Claims	Number Filed	Number Extra	Rate	
Total Claims	36 - 20 =	-16-	x \$18.00	\$ 288.00
Independent Claims	11 - 3 =	-8-	x \$80.00	\$ 640.00
Multiple Dependent Claim(s) (if applicable)			+ \$270.00	\$
TOTAL OF ABOVE CALCULATIONS =		\$ 1918.00		
Reduction by 1/2 for filing by small entity , if applicable. Verified Small Entity statement must also be filed. (Note 37 CFR 1.9, 1.27, 1.28).		\$		
SUBTOTAL =		\$ 1918.00		
Processing fee of \$130 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f))		\$		
TOTAL NATIONAL FEE =		\$ 1918.00		
Fee of \$40.00 for recording the enclosed assignment (37 CFR 1.21(h)). Assignment must be accompanied by appropriate cover sheet (37 CFR 3.28, 3.31).		\$		
TOTAL FEES ENCLOSED =		\$ 1918.00		
		Amt. to be refunded:	\$	
		Amt. charged:	\$	
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$ 1918.00 to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>06-1358</u> in the amount of \$. . . to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge my account any additional fees set forth in §1.492 during the pendency of this application, or credit any overpayment to Deposit Account No. <u>06-1358</u>. A duplicate copy of this sheet is enclosed.</p>				
<p>SEND ALL CORRESPONDENCE TO: Jacobson, Price, Holman & Stern, PLLC By _____ 400 7th Street, N.W., Suite 600 Washington, DC 20004 202-638-6666 CUSTOMER NUMBER: 00136 </p>				
JPH&S 3/95				